THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.21920 OF 1997

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DATED: 18-04-2006

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BETWEEN

S. B. Dorababu,

S/o. Gnaneswara Rao,

R/o. Nidadavolu,

West Godavari District

and others.

...PETITIONERS

AND

The Government of Andhra Pradesh,

Rep. by its Secretary, Roads and Buildings,

Secretariat Buildings, Hyderabad and

others.

...RESPONDENTS

ORDER:

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Petitioners seek a Writ of Mandamus to declare the proposed action of the respondents intending to demolish the 'Ganesh Complex', belonging to them, bearing H.No.5-7-18 and Assessment No.3178 in Ward No.8, Nidadavolu Municipality, Nidadavolu, West Godavari District as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are the joint owners of the commercial complex called 'Ganesh Complex' constructed, after obtaining sanction of the fourth respondent in 1991, in an area of 2157.19 sq. meters abutting the 100 feet wide road leading from Narsapur to Prakkilanka. He further submits that though the petitioners have not encroached any road margins and not made any constructions contrary to the sanction plan the respondents without giving any notice and without acquiring the land, are threatening to demolish the portion of their property and dispossess them from the said property.

I am not inclined to express any opinion as to whether the petitioners have encroached the road margins and as to whether they have made constructions contrary to sanctioned plan. However, if any portion of the building of the petitioners is required for the purpose of road widening it is always open for the respondents to issue notice and initiate action for acquiring the said land either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act, 1894.

Having regard to the facts and circumstances of the case,
the respondents are directed to not to demolish the structures or take away any portion of the property of the petitioners and not to dispossess them without following due process of law.

The writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J

April 18, 2006

DSK